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TC 1700

Docket 82142SMR
Customer No. 01333

14/10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stuart T. Gordon, et al

A METHOD OF PROCESSING A
PHOTOGRAPHIC ELEMENT
CONTAINING ELECTRON
TRANSFER AGENT RELEASING
COUPLERS

Serial No. US 10/028,132

Filed 20 December 2001

Group Art Unit: 1752

Examiner: Hoa Van Le

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Commissioner for Patents
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Sir:

SECOND RESPONSE AFTER FINAL

This is in response to the Advisory Action dated August 29, 2003. The Examiner stated that the Rule 132 Declaration submitted by Applicants was given no value since it did not compare the compound considered to be closest in the prior art, i.e., compound 57 of Nakai. It further stated that Applicants should provide evidence that all of Compounds 29-30, 34-35, 38, 42, 45-48, 53-54, 57, and 86-94 of Nakai do not have the property of the functional language of the claims and as set out in the record. Applicants respectfully traverse this rejection.

Such a showing would be extremely onerous. Applicants wish to point out that the Nakai reference clearly states in claim 1 that the compounds claimed therein have "a photographically useful compound which is inactivated by the chelation with a metal and is active when chelation with metal is removed." At Column 4, line 59 Nakai states that "A compound having a photographically useful compound which is inactivated by the chelation with a metal according to the present

invention will be described in detail below." Further on in the same column it states that any compound which has a photographically useful compound and has high reactivity with a water soluble chelating agent contained in a color developing solution raises a chelate exchange reaction with the chelating agent and releases the photographically useful compound. Therefore, Nakai provides the evidence that the compounds therein are inactive and do not work unless there is a chelating agent in the developer. The Declaration submitted by Applicants shows that there is no activity by the ETA of Nakai when used in a developer without a chelating agent and that the compound did work when the chelating agent was present. There is no reason to believe that Compound 57 would not have the same results since Nakai equates Compound 2 with Compound 57 with regard to the effect of the chelating agent. In contrast the electron transfer agent releasing compounds of the invention do work in a developer without a chelating agent.

In light of the above remarks, Applicants respectfully request that the claims be allowed.

Respectfully submitted,

Sarah Meeks Roberts/mec
Telephone: (585) 588-7488
Facsimile: (585) 477-1148

Sarah Meeks Roberts
Attorney for Applicants
Registration No. 33,447